

SENATE BILL 224

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0lr1091
CF HB 763

By: **Senators King, Frosh, Garagiola, Kelley, Madaleno, Peters, Pugh, and Robey**

Introduced and read first time: January 21, 2010

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2010

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Restrictions – Clotheslines or Other Similar Laundry Drying**
3 **Devices**

4 FOR the purpose of authorizing a homeowner or tenant of certain residential property
5 to use a clothesline or other similar laundry drying device on the property of the
6 homeowner or tenant notwithstanding the terms of any contract, deed,
7 covenant, restriction, instrument, declaration, rule, bylaw, lease agreement,
8 rental agreement, or any other document concerning the use of clotheslines or
9 other similar laundry drying devices on the property under certain
10 circumstances; prohibiting the terms of any contract, deed, covenant,
11 restriction, instrument, declaration, rule, bylaw, lease agreement, rental
12 agreement, or any other document concerning the use of clotheslines or other
13 similar laundry drying devices by a homeowner or tenant from prohibiting or
14 restricting the right of a homeowner or tenant to use clotheslines or other
15 similar laundry drying devices under certain circumstances; authorizing the
16 governing body of a condominium, homeowners association, or housing
17 cooperative or a landlord to adopt reasonable rules and regulations regarding
18 the timing, placement, and manner of use of clotheslines and other similar
19 laundry drying devices; requiring the governing body of a condominium,
20 homeowners association, or housing cooperative, or a landlord to hold an open
21 meeting and provide advance notice of the open meeting before adopting
22 proposed rules and regulations regarding the timing, placement, and manner of
23 use of clotheslines and other similar laundry drying devices; providing for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 application of this Act; and generally relating to the use of clotheslines and
2 other similar laundry drying devices by homeowners and tenants.

3 BY adding to
4 Article – Real Property
5 Section 14–128.1
6 Annotated Code of Maryland
7 (2003 Replacement Volume and 2009 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Real Property**

11 **14–128.1.**

12 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS
13 SECTION, THIS SECTION APPLIES TO ANY SINGLE-FAMILY RESIDENTIAL
14 DWELLING OR TOWNHOUSE, INCLUDING PROPERTY THAT IS SUBJECT TO THE
15 PROVISIONS OF:

16 (I) TITLE 8, TITLE 8A, TITLE 11, TITLE 11A, OR TITLE 11B
17 OF THIS ARTICLE; OR

18 (II) TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND
19 ASSOCIATIONS ARTICLE.

20 (2) THIS SECTION DOES NOT APPLY TO A BUILDING THAT:

21 (I) CONTAINS MORE THAN FOUR DWELLING UNITS; AND

22 (II) IS USED EXCLUSIVELY FOR RENTAL PURPOSES.

23 (B) NOTWITHSTANDING THE TERMS OF ANY CONTRACT, DEED,
24 COVENANT, RESTRICTION, INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE
25 AGREEMENT, RENTAL AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING
26 THE USE OF A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A
27 HOMEOWNER OR TENANT ON RESIDENTIAL PROPERTY, A HOMEOWNER OR
28 TENANT MAY USE A CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE
29 ON THE PROPERTY OF THE HOMEOWNER OR TENANT SUBJECT TO REASONABLE
30 RULES AND REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION.

31 (C) THE TERMS OF ANY CONTRACT, DEED, COVENANT, RESTRICTION,
32 INSTRUMENT, DECLARATION, RULE, BYLAW, LEASE AGREEMENT, RENTAL
33 AGREEMENT, OR ANY OTHER DOCUMENT CONCERNING THE USE OF A

1 CLOTHESLINE OR OTHER SIMILAR LAUNDRY DRYING DEVICE BY A HOMEOWNER
2 OR TENANT ON RESIDENTIAL PROPERTY MAY NOT PROHIBIT OR RESTRICT THE
3 RIGHT OF A HOMEOWNER OR TENANT TO USE A CLOTHESLINE OR OTHER
4 SIMILAR LAUNDRY DRYING DEVICE ON THE PROPERTY OF THE HOMEOWNER OR
5 TENANT, SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED UNDER
6 SUBSECTION (D) OF THIS SECTION.

7 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
8 GOVERNING BODY OF A CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR
9 HOUSING COOPERATIVE OR A LANDLORD MAY ADOPT REASONABLE RULES AND
10 REGULATIONS REGARDING TIMING, PLACEMENT, AND MANNER OF USE OF
11 CLOTHESLINES AND OTHER SIMILAR LAUNDRY DRYING DEVICES ON THE
12 PROPERTY OF A HOMEOWNER OR TENANT.

13 (2) BEFORE ADOPTING ANY RULES AND REGULATIONS UNDER
14 THIS SUBSECTION, THE GOVERNING BODY OF THE CONDOMINIUM,
15 HOMEOWNERS ASSOCIATION, OR HOUSING COOPERATIVE OR THE LANDLORD
16 SHALL:

17 (I) HOLD AN OPEN MEETING ON THE PROPOSED RULES
18 AND REGULATIONS FOR THE PURPOSE OF PROVIDING AFFECTED HOMEOWNERS
19 AND TENANTS AN OPPORTUNITY TO BE HEARD; AND

20 (II) PROVIDE ADVANCE NOTICE OF THE TIME AND PLACE OF
21 THE OPEN MEETING BY PUBLISHING THE NOTICE IN A COMMUNITY
22 NEWSLETTER, ON A COMMUNITY BULLETIN BOARD, BY MEANS PROVIDED IN THE
23 DOCUMENTS GOVERNING THE CONDOMINIUM, HOMEOWNERS ASSOCIATION, OR
24 HOUSING COOPERATIVE, OR IN THE LEASE, OR BY OTHER MEANS REASONABLY
25 CALCULATED TO INFORM THE AFFECTED HOMEOWNERS AND TENANTS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
27 construed to apply retroactively and shall be applied to and interpreted to affect,
28 regardless of the date of adoption or effectiveness, any contract, deed, covenant,
29 restriction, instrument, declaration, rule, bylaw, lease agreement, rental agreement,
30 or any other document limiting the use of clotheslines or other similar laundry drying
31 devices by a homeowner or tenant on residential property with four or fewer dwelling
32 units.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2010.